

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14933 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the off-street parking requirements (Sub-section 2101.1), and a variance from the percentage of lot occupancy requirements (Sub-section 403.2) for the proposed new construction of a flat in an R-4 District at premises 625 Florida Avenue, N.E., (Square 855, Lot 174).

Application No. 14934 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the off-street requirements (Sub-section 2101.1) for the proposed new construction of a flat in an R-4 District at premises 627 Florida Avenue, N.E., (Square 855, Lot 175).

Application No. 14935 of Larry and Wayne Berke, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3), a variance from the percentage of lot occupancy requirements (Sub-section 403.2), a variance from the rear yard requirements (Sub-section 404.1), and a variance from the off-street parking requirements (Sub-section 2101.1) for the proposed construction of a flat in an R-4 District at premises 629 Florida Avenue, N.E., (Square 855, Lot 176).

HEARING DATE: April 19, 1989

DECISION DATE: April 19, 1989 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2C and in proximity to ANC 5B. ANC 2C, which is automatically a party to the application, did not file a written statement of issues and concerns. Nor did ANC 5B submit a written statement of issues and concerns, or request to be treated as an affected ANC.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2C and 5B, and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements

which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 401.3, 403.2, 404.1, and 2101.1. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is granted.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; William F. McIntosh opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: APR 28 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14933order/BHS3

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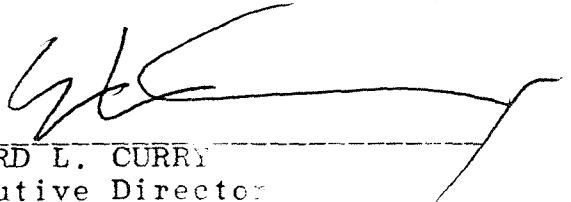


APPLICATION No. 14933

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 28 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Wayne Berke  
P.O. Box 145  
Lanham, MD 20706

Bernies Btarward  
654 Orleans Place, N.E.  
Washington, D.C. 20002

  
EDWARD L. CURRY  
Executive Director

DATE: APR 28 1988